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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHELEHEDA, JAMES R

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,621

Applicant(s)

JOHNSON, CAROLYNN RAE

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 7-9, 12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer et al. (Wehmeyer) (5,867,226) (of record), in view of Arai et al. (Arai) (US2002/0073425) (of record) and Arsenault et al. (Arsenault) (6,925,650).

As to claim 1, Wehmeyer discloses a method of processing program guide information (column 3, lines 16-25), comprising the steps of:

recording viewing statistics (column 2, lines 33-40 and Fig. 2) based on topics (column 2, lines 41-50);

entering user processing request information (column 3, lines 16-25);

processing program guide information (Fig. 5, step 520; column 3, lines 16-25, column 4, lines 63-67 and column 5, lines 1-6) based on entered user processing request information (wherein the search is performed upon a user's request; column 3, lines 16-25) and the viewing statistics (wherein the search is based upon the viewed item list; column 3, lines 21-25 and Fig. 5, step 520).

While Wehmeyer discloses displaying the processed result (column 3, lines 21-25 and Fig. 5, steps 530 and 535), matching the topics in the recorded viewing statistics

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(wherein the result is based upon stored list; column 3, lines 21-25 and Fig. 5, step 520) and wherein a user may highlight a program in a time slot (see Arai at column 2, lines 21-24), he fails to specifically disclose displaying the result in a dedicated channel, wherein the processed result includes at least two programs in a first time slot, only one of the at least two programs is displayed in the first time slot under the dedicated channel and wherein others of the at least two programs are displayed directly in response to highlighting the only one of the at least two programs.

In an analogous art, Arai discloses a receiving apparatus (Fig. 1) which will process an EPG to find a viewer's preferred programming (paragraph 106), wherein the result includes at least two programs in a time slot (Fig. 6, paragraph 112) and wherein one result will then display the information in a dedicated channel (Fig. 6, My Channel 1; paragraph 109 and paragraph 112) for the benefit of allowing a viewer to find and watch preferred programming without the need to repeatedly change channels (paragraph 116).

Additionally, in an analogous art, Arsenault discloses a system (Fig. 4) wherein a user will highlight a particular program in a program guide (column 15, lines 26-34) and additional programs are displayed (column 20, lines 13-17) directly in response to highlighting the one program (Fig. 9; column 20, lines 13-17) for the typical benefit of allowing a user to identify additional programming of interest by highlighting a single program (column 20, lines 1-17).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wehmeyers's system to include displaying the result in

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a dedicated channel, wherein the processed result includes at least two programs in a first time slot and only one of the at least two programs is displayed in the first time slot under the dedicated channel and wherein others of the at least two programs are displayed, as taught by Arai, for the benefit of eliminating the need for a viewer to repeatedly changed channels while utilizing an EPG to find and watch programming.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wehmeyer and Arai's system to include wherein others of the at least two programs are displayed directly in response to highlighting the only one of the at least two programs, as taught by Arsenault, for the typical benefit of allowing a user to identify additional programming of interest by highlighting a single program.

As to claim 8, Wehmeyer discloses a system for processing program guide information (column 3, lines 16-25), comprising:

a **user controller** (Fig. 4; remote 450R and column 2, lines 21-24) for entering user processing request information (column 3, lines 16-25);

a **microprocessor** (Fig. 4, micro 415R) for **recording** viewing statistics (column 2, lines 33-40 and Fig. 2) based on topics (column 2, lines 41-50) and for **processing** (column 4, lines 17-19 and lines 53-62) program guide information (Fig. 5, step 520; column 3, lines 16-25, column 4, lines 63-67 and column 5, lines 1-6) based on entered user processing request information (wherein the search is performed upon a user's

request; column 3, lines 16-25) and the viewing statistics (wherein the search is based upon the viewed item list; column 3, lines 21-25 and Fig. 5, step 520).

While Wehmeyer discloses wherein said microprocessor causes the displaying of the processed result (Fig. 5, column 4, lines 63-67 and column 5, lines 1-6), matching the topics in the recorded viewing statistics (wherein the result is based upon stored list; column 3, lines 21-25 and Fig. 5, step 520), wherein when one program in a time slot is highlighted (wherein a user may navigate and highlight any displayed program; column 2, lines 10-24), other programs in that time slot will be then displayed (wherein other programs for other channels in the timeslot are clearly displayed when Zulu is highlighted; Fig. 1), he fails to specifically disclose displaying the result in a dedicated channel, wherein the processed result includes at least two programs in a first time slot, only one of the at least two programs is displayed in the first time slot under the dedicated channel and wherein others of the at least two programs are displayed.

In an analogous art, Arai discloses a receiving apparatus (Fig. 1) which will process an EPG to find a viewer's preferred programming (paragraph 106), wherein the result includes at least two programs in a time slot (Fig. 6, paragraph 112) and wherein one result will then display the information in a dedicated channel (Fig. 6, My Channel 1; paragraph 109 and paragraph 112) for the benefit of allowing a viewer to find and watch preferred programming without the need to repeatedly change channels (paragraph 116).

Additionally, in an analogous art, Arsenault discloses a system (Fig. 4) wherein a user will highlight a particular program in a program guide (column 15, lines 26-34) and

additional programs are displayed (column 20, lines 13-17) directly in response to highlighting the one program (Fig. 9; column 20, lines 13-17) for the typical benefit of allowing a user to identify additional programming of interest by highlighting a single program (column 20, lines 1-17).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wehmeyers's system to include displaying the result in a dedicated channel, wherein the processed result includes at least two programs in a first time slot and only one of the at least two programs is displayed in the first time slot under the dedicated channel and wherein others of the at least two programs are displayed, as taught by Arai, for the benefit of eliminating the need for a viewer to repeatedly changed channels while utilizing an EPG to find and watch programming.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wehmeyer and Arai's system to include wherein others of the at least two programs are displayed directly in response to highlighting the only one of the at least two programs, as taught by Arsenault, for the typical benefit of allowing a user to identify additional programming of interest by highlighting a single program.

As to claims 2 and 9, Wehmeyer, Arai and Arsenault disclose wherein the step of displaying processed result in a dedicated channel further comprising the step of first arranging the processed result into respective time slots (See Arai at Figures 3 and 4;

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paragraphs 109 and 111; wherein only one program is selected per channel for a given time period).

As to claim 5, Wehmeyer, Arai and Arsenault disclose wherein the step of entering user processing request information comprises selecting a request for suggesting a program (see Wehmeyer at Fig. 6a and column 3, lines 16-25 and column 5, lines 11-15).

As to claims 7 and 14, Wehmeyer, Arai and Arsenault disclose wherein the dedicated channel is displayed along with other channels in a program guide (see Arai at Fig. 6).

As to claim 12, Wehmeyer, Arai and Arsenault disclose wherein the entering user processing request information comprises a request for suggesting a program (see Wehmeyer at Fig. 6a and column 3, lines 16-25 and column 5, lines 11-15).

As to claims 15 and 18, Wehmeyer, Arai and Arsenault disclose wherein the statistic of a topic is the number of times the topic has been viewed (see Wehmeyer at Fig. 2 and column 2, lines 41-47).

As to claims 16 and 19, Wehmeyer, Arai and Arsenault disclose wherein the statistic of a topic is the number of times the topic has been viewed (see Wehmeyer at

Fig. 2 and column 2, lines 41-47) more than a predetermined time period (wherein the program must be watched for 5 or more minutes; see Wehmeyer at column 2, lines 33-40).

As to claims 17 and 20, Wehmeyer, Arai and Arsenault disclose wherein the dedicated channel is always displayed at a predefined position in the program guide (wherein the displayed dedicated channel must be at some predefined position; see Arai at Fig. 6).

3. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer, Arai and Arsenault as applied to claims 1 and 8 above, and further in view of Schein et al. (Schein) (6,133,909).

As to claims 6 and 13, while Wehmeyer, Arai and Arsenault disclose entering user processing request information (see Wehmeyer at Fig. 6a and column 3, lines 16-25 and column 5, lines 11-15), they fail to specifically disclose wherein the user request comprises selecting a search of program guide information based on user-entered text.

In an analogous art, Schein discloses a computer system (Fig. 1) for recommending programming (column 2, lines 18-23) wherein an EPG is searched based upon words or characters entered by a user (column 13, lines 21-48) for the benefit of allowing a user to search a program guide using any type of information relevant to a particular program (column 13, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wehmeyer, Arai and Arsenault's system to include wherein the user request comprises selecting a search of program guide information based on user-entered text, as taught by Schein, for the benefit of allowing a user to search a program guide for preferred programming using any type of information relevant to a particular program.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 5-9 and 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2617

JS



VIVEK SRIVASTAVA
PRIMARY EXAMINER